

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120

Marcus Love
v.
Philadelphia Gas Works

Public Meeting January 29, 2015
2355580-OSA
Docket No. F-2013-2355580

MOTION OF
VICE CHAIRMAN JOHN F. COLEMAN, JR.

Before the Commission are the Exceptions of Philadelphia Gas Works (PGW) to the Initial Decision (ID) sustaining the above-captioned Formal Complaint, in part, filed by Marcus Love against PGW. In his Complaint, Mr. Love alleges that there were incorrect charges on his bill. Mr. Love also alleges that PGW installed a faulty meter and did not discover it for four years.

The Complaint concerns a make-up bill for approximately \$6,500 that PGW issued to the customer in September 2012 for previously unbilled service. The unbilled service was due to a malfunctioning automatic meter reading (AMR) device that transmitted a zero meter reading at the service location for the prior 40 months through no fault of the customer. Although the ID finds that the make-up bill was proper, the ID rules that the customer is entitled to a 20% conservation credit to be applied to the make-up bill.¹ The ID also imposes a civil penalty of \$1,000 against PGW. This penalty amounts represents \$250 per year for each year that PGW failed to investigate a zero usage reading at the service location.

I am sympathetic to the customer's situation here. However, I agree with the ID that the customer is responsible for the previously unbilled service in accordance with applicable law.² Moreover, Chapter 56 of the Commission's regulations specifically authorizes the make-up bill here.³ On the other hand, I also agree that PGW did not provide adequate and reasonable service in violation of 66 Pa. C.S. § 1501 when, over a period of three plus years, it failed to notice that Complainant's gas usage was not being reported accurately. And, while public utilities are not expected to provide perfect service, I am concerned that we continue to see these types of cases against PGW involving AMR/meter malfunctions resulting in under billings that go undetected for extended periods of time. Therefore, I believe a \$1,000 civil penalty is appropriate for the reasons discussed at pages 15-18 of the ID.

¹ In accordance with the Commission's regulations at 52 Pa. Code § 56.14, the make-up bill is payable in forty monthly installments.

² *Scaccia v. West Penn Power Co.*, 55 Pa. PUC 637 (1982); *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (1982); *Bolt v. Duquesne Light Company*, Docket No. Z-8712758 (Opinion and Order entered April 8, 1988).


³ See 52 Pa. Code § 56.14.

However, I do not agree with the decision to issue a conservation credit to reduce the amount of the make-up bill. Although I believe the Commission has the authority to order a conservation credit for previously unbilled service and have supported the issuance of a conservation credit in appropriate cases, I do not agree that a conservation credit is appropriate here. As noted in the record, the customer occupied the service location beginning in August 2011, which was 13 months prior to the discovery of the AMR problem. Historically, the Commission has not directed a conservation credit with under billing for this or a similar amount of time.⁴ Moreover, for the remaining 27 months of the 40-month period of zero readings, the customer did not occupy the service location and arguably was not deprived of any meaningful opportunity to conserve during this period. Therefore, I would reverse the part of the ID ruling that the customer is entitled to a conservation credit.

THEREFORE, I MOVE THAT:

1. The Commission grant the exceptions of Philadelphia Gas Works, in part, consistent with this Motion.
2. The Office of Special Assistants prepare an Opinion and Order consistent with this Motion.

Date: January 29, 2015


JOHN F. COLEMAN, JR.
VICE CHAIRMAN

⁴ See, e.g., *Szczepanski-Galindez v. PGW*, Docket No. F-2011-2279555 (Opinion and Order entered February 6, 2014) (the customer was under billed for approximately 2 ½ years due to a faulty AMR device).